

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 16, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #145A - Pine Lake Plaza

PROPOSAL: To adjust the O-3 district sign requirements to allow additional ground signs, and to allow signs near driveways instead of at building entrances.

CONCLUSION: The impact of allowing building identification ground signs at locations other than the building entrance is not significant provided they do not obstruct sight distance. However, an additional ground sign identifying a single business is not appropriate, and locating such a sign in proximity to the Highway 2 corridor is not consistent with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

LOCATION: Northwest of the intersection of South 84th Street and Highway 2.

EXISTING ZONING: O-3 Office Park

EXISTING LAND USE: New office buildings are under construction.

SURROUNDING LAND USE AND ZONING:

North:	Residential	AGR
South:	Vacant, Residential	AG, AGR
East:	Regional Center under development	B-5
West:	Residential	AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - This area is designated for commercial land use on the Future Land Use Map.

Appendix A, Southeast Lincoln/Highway 2 Subarea Plan, Page 8 - The area of this plat is included in Figure 2 of the Southeast Lincoln/Highway 2 Subarea Plan.

Appendix A, Southeast Lincoln/Highway 2 Subarea Plan, Page 9 - Promote a Desirable Entryway Corridor along Highway 2 - Standards for landscaping and architecture should be developed to promote a

desirable entryway into Lincoln along Highway 2 — however, standards alone will have little impact if land use decisions strip the area with commercial uses, signs and cause the widening of Highway 2 to six lanes. It will be difficult to have enough landscaping to reduce the visual impact of potentially 9 or 10 traffic lanes (6 through, dual left and right turn lanes.) An open space corridor (approximately 200 feet from centerline) is shown along Highway 2, adjacent to the new commercial uses, as one part of having a desirable entryway with commercial development.

Appendix A, Southeast Lincoln/Highway 2 Subarea Plan, Page 12, Section D - Entryway Corridor Existing Conditions. The entryway corridor into Lincoln along Highway 2 is a good example of the positive and negative images an entryway can establish. In the past the community went to significant expense and effort to present the greenway, bike trail and open space character of the Highway 2 corridor from generally 27th to 48th Streets. That character contrasts with the commercial and automobile orientation associated with the commercial and industrial uses along Highway 2 at 56th Street.

In other entryways to Lincoln, discussions are underway on potential landscaping and architecture standards to promote a desirable entryway into Lincoln. However, standards alone may have little impact if incremental land use decisions strip the corridor with commercial uses and signs, and ultimately cause the widening of Highway 2 to six lanes. It will be difficult to have enough landscaping to reduce the visual impact of potentially 9 or 10 traffic lanes. Thus in order to preserve the entryway corridor, the land use and transportation decisions are equally important as landscaping or architectural standards.

As one of the highest elevation areas in the County, this area includes several dramatic-view corridors to the Capitol. In addition, Highway 2 is a major entryway to Lincoln and to date is one of Lincoln's most attractive entryway corridors as it follows the Beals Slough waterway.

HISTORY: June 19, 2003 - ANN#02006 annexing all of Lots 34, 49, 50, 51, 52 and 53 I.T's., and adjacent public rights-of-way; **CZ#3373** from AGR to R-3 and O-3; **PP#02016** - creating 9 lots for residential development, 12 for office/commercial, and three outlots; and, **UP#145** to allow 192, 900 square feet of office and commercial floor area for Pine Lake Plaza were all approved.

ANALYSIS:

1. Pine Lake Plaza was approved in 2003, and all the land within the use permit was zoned O-3. The Zoning Ordinance allows for adjustments to the sign regulations as part of the use permit if requested by the developer. However, no adjustments to the sign regulations were requested at the time of approval, so all signs within the development must conform to the requirements of Lincoln Municipal Code (LMC) Section 27.69.044.
2. This request has two components. 1 - To allow the building entrance ground signs to be located near the driveway to the business; and, 2 - To allow two additional ground signs in lieu of the three allowed internal directional signs.
3. The following matrix compares the allowed signs in the O-3 per Section 27.69.044(b) against those requested by the applicant.

TYPE OF SIGN	AMOUNT ALLOWED	AMOUNT REQUESTED
1. On-Premise Wall and Projecting Signs	10% coverage of a wall face, or a total of 250 sq. ft. whichever is lesser, except that no more than an area equivalent to 10% coverage of the wall face or a total of 150 square feet, whichever is lesser, may be used for any single tenant. The total amount cannot be determined for this development as specific building plans for each lot have not been submitted.	No change requested.
2. Ground Signs	One per vehicular entrance not to exceed 32 sq. ft. in area and 8' in height identifying the center and all tenants. Three are allowed for this development.	In addition to the three allowed, the applicant is requesting two additional ground signs, one to be used to identify a single business and another as a direction sign.
3. Internal Direction Signs	One per (vehicular) entrance adjacent to the private street not exceeding 50 sq. ft. in area and 8' in height. One is allowed for this development.	The applicant is proposing to waive direction signs in exchange for additional ground signs.
4. Building Entrance Ground Sign	One ground sign not exceeding 15 sq. ft. in area and 5' in height at each building entrance.	No additional signs requested, applicant is requesting these signs be allowed near the driveway to each building versus near the building entrance (doorway).

4. The first component of this request is an adjustment to #4 above, which requires the ground sign to be located near the doorway entrance to each building within the development. The applicant is proposing that each building owner be able to decide the best location for the sign on the lot, such as near the driveway entrance to the business. Because these signs will all be internal to the development and will only affect the other commercial tenants within the development, the impact of locating them other than near the doorway is minimal.

However, Public Works and Utilities notes in their review a concern about signs and proper sight-distance without future driveways shown on the site plan. They want to ensure signs are not built in locations that may interfere with a driver's vision when entering or exiting the driveways throughout the development. Building and Safety is aware of this concern, and confirmed that as part of the sign permit review they always review for proper sight-distance, satisfying Public Works' concern.

5. The second component of this request seeks two additional ground signs (32 sq. ft. each) while relinquishing the right to use the internal direction signs. The intent of this request is twofold. First, it is to provide a direction sign at the intersection of Eiger Drive and Plaza Court, and second, to provide an additional ground sign on Lot 6,

Block 3 to identify only a single business at the intersection of Highway 2 and South 84th Street. Internal direction signs (50 sq. ft.) are allowed when they are adjacent to a private roadway, and one is allowed at the intersection of Eiger Drive and Plaza Court (a private roadway). As a result, this request for an additional ground sign is not necessary. Conversely, the applicant is not relinquishing the right to use additional direction signs because only one is allowed.

The proposed sign on Lot 6 at the intersection of Highway 2 and South 84th Street is an additional building identification ground sign for a single business, and is neither justified nor appropriate. The proximity to Highway 2 is a significant concern, as much effort has gone into preserving and protecting Highway 2 as an entryway corridor. Signs in this area are contrary to those efforts and the Comprehensive Plan. Staff is also concerned that this adjustment will establish a precedent, and that similar exceptions will be sought for other lots adjacent to the highway. The on-premise wall sign can be used to identify the building and its use.

CONDITIONS:

Site Specific:

1. This approval adjusts the sign requirements for the O-3 district to allow building identification ground signs at locations other than near the building entrance.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit six copies of the documents and plans to the Planning Department for review and approval.
 - 2.1.1 The site plan revised as follows:
 - 2.1.1.1 Revise General Site Note #24 to read as follows: SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE SECTION 27.69.044 WITH THE FOLLOWING MODIFICATION: ONE GROUND SIGN NOT EXCEEDING 15 SQUARE FEET IN AREA AND 5 FEET IN HEIGHT SHALL BE PERMITTED AT EITHER EACH BUILDING ENTRANCE OR AT EACH VEHICULAR ENTRANCE PER LOT PROVIDED THE SIGN DOES NOT OBSTRUCT SIGHT DISTANCE.

2.1.1.2 Delete General Site Note #25.

2.1.1.3 Revise General Site Note #26 to read as follows: DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW FOR SIGN PERMITS. SIGNS WHICH MEET THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE REQUIREMENTS OF GENERAL SITE NOTE #24 ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLAN AND NO ADMINISTRATIVE AMENDMENT IS REQUIRED.

2.1.1.4 Revise the landscape plan to include the subdivision area signs as allowed by, and in accordance with LMC Section 27.69.220.

2.2 The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 All development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established property owners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
February 2, 2005

APPLICANT/

OWNER: Pine Lake Development, LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516
(402) 434-5650

CONTACT: Jason Thiellen
EDC
2200 Fletcher Avenue Suite 120
Lincoln, NE 68521



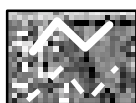
2002 aerial

Use Permit #145A S 84th & Pine Lake Rd.

Zoning:

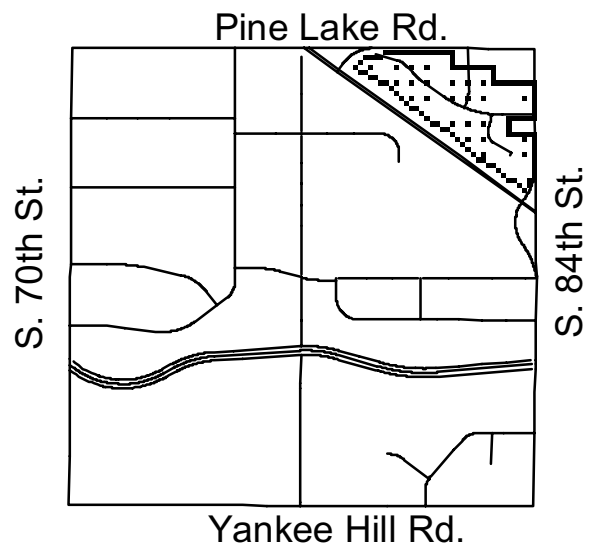
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

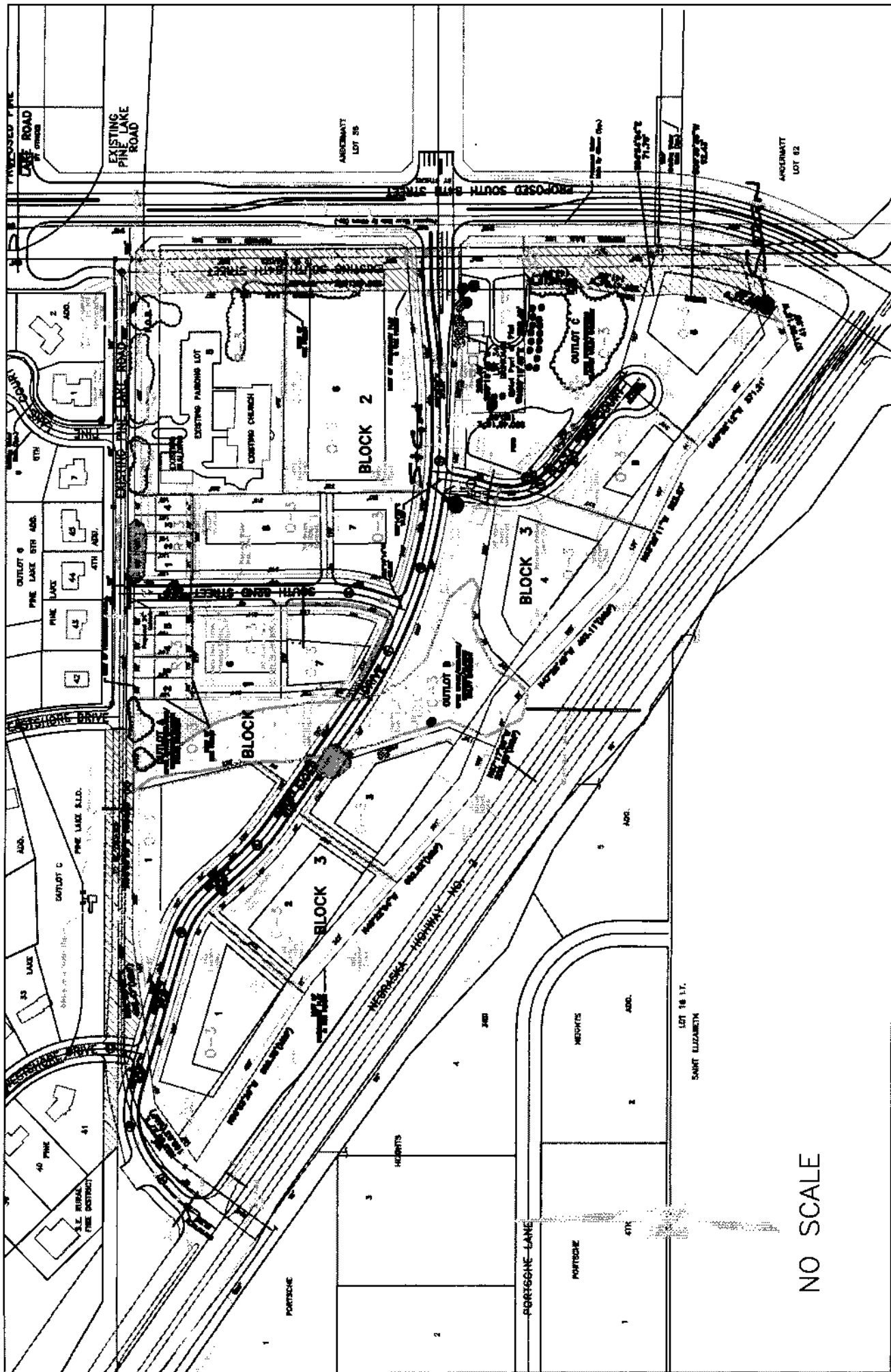
One Square Mile
Sec. 22 T09N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction





PINE LAKE PLAZA
SITE EXHIBIT
Lincoln, NE

Drawn By: JMT
Dwg.: prelim plat\REV_Cov
Date: 02/07/05
Job#: 05-001-25





Engineering Design Consultants

January 7, 2005

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

Brian Will
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

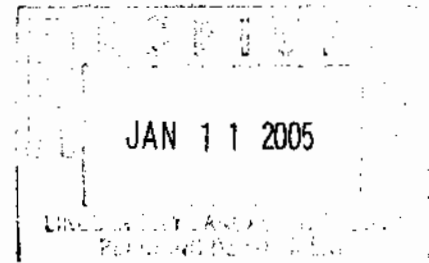
RE: Pine Lake Plaza
Amendment to Use Permit #145
EDC Job #05-001-025

Dear Brian,

On behalf of Engineering Design Consultants (EDC) client, Pine Lake Development L.L.C, we hereby submit an Amendment to the above referenced Use Permit to add notes to the cover sheet, to modify the O-3 sign requirements, and to allow additional signage in the Pine Lake Plaza Office Park.

1. The following notes have been added to the General Note section:

- a. Note #24 – SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH SECTION 27.69.044 OF THE CITY OF LINCOLN SIGN CODE WITH THE FOLLOWING MODIFICATION TO PARAGRAPH (4): ONE GROUND SIGN NOT EXCEEDING 15 SQUARE FEET IN AREA AND 5 FEET IN HEIGHT SHALL BE PERMITTED AT EITHER EACH BUILDING ENTRANCE OR AT EACH VEHICULAR ENTRANCE PER LOT.
- b. NOTE #25 – ONE ADDITIONAL GROUND SIGN NOT EXCEEDING 32 SQUARE FEET IN AREA AND 8 FEET IN HEIGHT IS PERMITTED AT THE INTERSECTION OF PLAZA COURT AND EIGER DRIVE AND ONE ADDITIONAL GROUND SIGN NOT EXCEEDING 32 SQUARE FEET IN AREA AND 8 FEET IN HEIGHT IS PERMITTED ON THE REAR OF LOT 6, BLOCK 3 AT THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.
- c. NOTE #26 – DEATAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT. SIGNS WHICH MEET ZONING REQUIREMENTS AND REQUIREMENTS IN NOTE #24 AND NOTE #25 ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLAN AND NO ADMINISTRATIVE AMENDMENT WILL BE REQUIRED. SUBDIVISION AREA SIGNS LOCATED IN THE FRONT YARD SETBACK WILL REQUIRE AN ADMINISTRATIVE AMENDMENT TO THE LANDSCAPE PLAN.

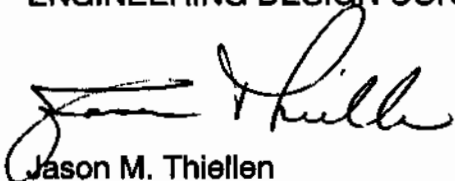


2. A waiver is requested to Title 27, Section 27.69.044, subsection (b) paragraph (4) to permit a ground sign not exceeding fifteen square feet in area and five feet in height at either each building entrance or at each vehicular entrance per lot in the O-3 zone. The language of paragraph (4) is open to interpreting the phrase "building entrance" to mean the actual door entrance into the building or the building entrance from the street. We interpreted the phrase "building entrance" to mean the vehicular entrance to the building and have advised clients as such, therefore we have a client that has located a ground sign at the vehicular entrance location and cannot receive approval for that ground sign as the sign is not in conformance with the O-3 sign ordinance. This waiver will allow the owners of each lot to decide where on the lot the ground sign will be located.
3. A waiver is requested to Title 27, Section 27.69.044 to allow two additional ground signs not exceeding 32 square feet in area and 8 feet in height at the intersection of Plaza Court and Eiger Drive and on the rear of Lot 6, Block 3 facing the intersection of South 84th Street and Highway 2. The ground sign located at the intersection of Plaza Court and Eiger Drive is requested because the lots located on Plaza Court are somewhat disconnected to the rest of the office park and a sign at that location would help consumers navigate to those locations easier. The ground sign on the rear of Lot 6, Block 3 is requested to make the business located on that lot more visible and easier for drive-by traffic to locate it from Highway 2. The developer agrees to waive the internal directions signs per entrance allowed by the O-3 sign ordinance. By not constructing the internal direction signs, the total number of allowed signs for the area in the O-3 zone would not be increased.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Sincerely,

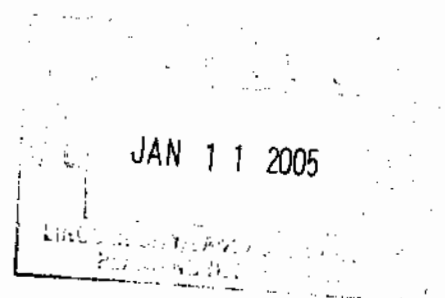
ENGINEERING DESIGN CONSULTANTS, L.L.C.



Jason M. Thiellen
Land Planner

Enclosed
Check for \$740.00
6 Copies of Sheet 1

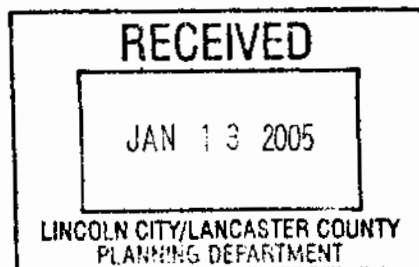
c: Bob Lewis



USE PERMIT BOUNDARY

A LEGAL DESCRIPTION OF LOTS 1, 6 & 7, BLOCK 1, LOTS 6 THROUGH 8, BLOCK 2, LOTS 1 THROUGH 6, BLOCK 3, AND OUTLOTS A, B & C, PINE LAKE PLAZA ADDITION LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE: N90°00'00"W, (AN ASSUMED BEARING), ON THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET; THENCE: S00°49'15"E, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE: CONTINUING S00°49'15"E, ON SAID LINE, A DISTANCE OF 357.24 FEET TO THE POINT OF BEGINNING; THENCE: CONTINUING S00°49'15"E, ON SAID LINE, A DISTANCE OF 419.58 FEET; THENCE: S89°10'45"W, A DISTANCE OF 290.40'; THENCE: S00°49'15"E, A DISTANCE OF 150.00 FEET; THENCE: N89°10'45"E, A DISTANCE OF 290.40 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE: S00°49'15"E, ON SAID LINE, A DISTANCE OF 143.94 FEET; THENCE: S07°41'34"W, ON SAID LINE, A DISTANCE OF 141.50 FEET; THENCE: S04°54'04"E, ON SAID LINE, A DISTANCE OF 71.70 FEET; THENCE: S06°39'36"W, ON SAID LINE, A DISTANCE OF 92.43 FEET; THENCE: S18°00'22"W, ON SAID LINE, A DISTANCE OF 177.89 FEET; THENCE: S71°59'18"W, A DISTANCE OF 41.95 FEET; THENCE: N49°58'12"W, ON THE NORTHERLY RIGHT-OF-WAY- LINE OF HIGHWAY 2, A DISTANCE OF 371.21 FEET; THENCE: N63°29'11"W ON SAID LINE, A DISTANCE OF 323.87 FEET; THENCE: N47°28'49"W, ON SAID LINE, A DISTANCE OF 403.11 FEET; THENCE N67°17'09"W, ON SAID LINE, A DISTANCE OF 205.00 FEET; THENCE: N49°22'04"W, ON SAID LINE, A DISTANCE OF 602.52 FEET; THENCE: N56°53'20"W, ON SAID LINE, A DISTANCE OF 500.38 FEET; THENCE: N53°50'27"E, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE LAKE ROAD, A DISTANCE OF 168.93 FEET; THENCE: N82°00'32"E, ON SAID LINE, A DISTANCE OF 402.47 FEET; THENCE: N90°00'00"E, ON SAID LINE, A DISTANCE OF 550.68 FEET; THENCE: S00°14'46"E, A DISTANCE OF 142.56 FEET; THENCE: N89°19'18"E, A DISTANCE OF 216.03 FEET; THENCE: S87°53'55"E, A DISTANCE OF 66.08 FEET; THENCE: N89°19'18"E, A DISTANCE OF 198.44 FEET; THENCE: S00°49'15"E, A DISTANCE OF 214.03 FEET; THENCE: S89°37'25"E, A DISTANCE OF 475.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 LOTS, 3 OUTLOTS, AND A CALCULATED AREA OF 34.542 ACRES MORE OR LESS.



M e m o r a n d u m

To: Brian Will, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Pine Lake Plaza Use Permit #145A, Modify O-3 Sign Requirements
Date: January 19, 2005
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the language proposed to modify the sign requirements for the O-3 Zoned are of Pine Lake Plaza located at 84th and Nebraska Highway 2. Public Works has the following concerns:

- Without knowing the locations of the future driveways and sign envelope locations, Public Works cannot recommend a blanket approval of the proposed language changes with this permit.
- Public Works also has concerns of the eventual sign height on Lot 6. Contours show the lot about 12' lower than the curb heights of the adjoining roadways.
- The corridor of Highway 2 should be protected, and with approval of one lot sign, the potential for five more signs facing the highway exists.